

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BRUTYN, N.V.,

Plaintiff,

v.

Case No. 04-C-527

ANTHONY GAGLIANO CO. INC.,
ANTHONY ("Tony") GAGLIANO,
RICHARD J. KOLLAUF, and MICHAEL GAGLIANO,

Defendants.

**ORDER RE: DEFENDANTS' MOTION TO COMPEL PRODUCTION OF
DOCUMENTS**

Based on the submissions of the parties, and the arguments on the record on August 25, 2006, the Court hereby rules in response to Defendants' Motion to Compel Production of Documents (Docket Entry No. 58):

1. Defendants' Motion to Compel Supplemental Responses to Document Production Request No. 1 is **DENIED**.
2. Defendants' Motion to Compel a Response to Defendants' Document Production Request No. 2 is **GRANTED**, and within 30 days of the date of this Order, Plaintiff shall produce all documents concerning the prices paid to Plaintiff by other customers for all produce which was part of any "shared lot" of goods if the "shared lot" also contained produce which was sold by Plaintiff to Defendants.
3. Plaintiff has stated on the record that it possesses no additional documents, not already produced, responsive to Defendants' Document Production Request No. 3. Accordingly, Defendants'

Motion to Compel Supplemental Responses to Document Production Request No. 3 is **DENIED AS MOOT**.

4. Defendants' Motion to Compel Supplemental Responses to Document Production Request No. 4 is **GRANTED**, and within 30 days of the date of this Order, Plaintiff shall produce any additional documents, subject to its possession or control, responsive to Defendants' Document Production Request No. 4; or, alternatively, Plaintiff shall affirm in writing that it is not in possession or control of any additional documents responsive to Defendants' Document Production Request No. 4.

5. Plaintiff has stated on the record that it possesses no additional documents, not already produced, responsive to Defendants' Document Production Request No. 5. Accordingly, Defendants' Motion to Compel Supplemental Responses to Document Production Request No. 5 is **DENIED AS MOOT**.

6. Plaintiff has stated on the record that it possesses no additional documents, not already produced, responsive to Defendants' Document Production Request No. 6. Accordingly, Defendants' Motion to Compel Supplemental Responses to Document Production Request No. 6 is **DENIED AS MOOT**.

7. Plaintiff has stated on the record that it possesses no additional documents, not already produced, responsive to Defendants' Document Production Request No. 7. Accordingly, Defendants' Motion to Compel Supplemental Responses to Document Production Request No. 7 is **DENIED AS MOOT**.

8. Defendants' Motion to Compel Supplemental Responses to Document Production Request No. 8 is **GRANTED**, and that within 30 days of the date of this Order, Plaintiff shall produce any

additional documents, subject to its possession or control, responsive to Defendants' Document Production Request No. 8; or, alternatively, Plaintiff shall affirm in writing that it is not in possession or control of any additional documents responsive to Defendants' Document Production Request No. 8.

9. Plaintiff has stated on the record that it possesses no additional documents, not already produced, responsive to Defendants' Document Production Request No. 9. Accordingly, Defendants' Motion to Compel Supplemental Responses to Document Production Request No. 9 is **DENIED AS MOOT**.

10. Plaintiff has stated on the record that it possesses no additional documents, not already produced, responsive to Defendants' Document Production Request No. 10. Accordingly, Defendants' Motion to Compel Supplemental Responses to Document Production Request No. 10 is **DENIED AS MOOT**.

11. Plaintiff has stated on the record that it possesses no additional documents, not already produced, responsive to Defendants' Document Production Request No. 12. Accordingly, Defendants' Motion to Compel Supplemental Responses to Document Production Request No. 12 is **DENIED AS MOOT**.

12. Plaintiff has stated on the record that it possesses no additional documents, not already produced, responsive to Defendants' Document Production Request No. 15. Accordingly, Defendants' Motion to Compel Supplemental Responses to Document Production Request No. 15 is **DENIED AS MOOT**.

13. Plaintiff has stated on the record that it possesses no additional documents, not already produced, responsive to Defendants' Document Production Request No. 16. Accordingly,

Defendants' Motion to Compel Supplemental Responses to Document Production is **DENIED AS MOOT**.

14. Plaintiff has stated on the record that it possesses no additional documents, not already produced, responsive to Defendants' Document Production Request No. 19. Accordingly, Defendants' Motion to Compel Supplemental Responses to Document Production Request No. 19 is **DENIED AS MOOT**.

15. Plaintiff has stated on the record that it possesses no additional documents, not already produced, responsive to Defendants' Document Production Request No. 20. Accordingly, Defendants' Motion to Compel Supplemental Responses to Document Production Request No. 20 is **DENIED AS MOOT**.

SO ORDERED this 5th day of September 2006, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge